

## Message Text

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53

ACTION OES-04

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 COA-01 DLOS-03

INT-05 AGR-05 CG-00 DOTE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15 AID-05

IO-10 /083 W

----- 066927

O R 141525Z DEC 74

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 6876

INFO AMCONSUL RIO DE JANEIRO

AMEMBASSY MEXICO

LIMITED OFFICIAL USE BRASILIA 9365

E.O.11652: N/A

TAGS: EFIN, BR

SUBJECT: US.S.-BRAZIL SHRIMP FISHING AGREEMENT

REF: A. STATE 273064

B. BRASILIA 9292

C. STATE 270355

D. STATE 235929

1. ECON COUNSELOR ON DECEMBER 13, CALLED ON NOGUEIRE BATISTA, CHIEF OF FON OFF ECONOMIC DEPT., TO MAKE PRESENTATION FOR WHORT AND LONG-TERM EXTENSION OF BELATERAL AGREEMENT, BASED ON REFTELS A, C, AND D. COUNSELOR STRESSED THAT EVEN IF NEGOTIATIONS COULD BE UNDERTAKEN AND COMPLETED PROMPTLY, COMPLETION OF LEGISLATIVE PROCESS REQUIRED BY NEW AGREEMENT WAS PRACTICAL IMPOSSIBILITY, BEFORE START OF FISHING SEASON.

2. NOGUEIRA BATISTA LISTENED COURTEOUSLY BUT  
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WITHOUT TRYING TO DISGUISE CONSIDERABLE

RESERVE AND SKEPTICISM. DISCUSSION ENSUED OF SOME LENGTH, IN COURSE OF WHICH BATISTA IN ESSENCE CONFIRMED BRAZILIAN SECNARIO OF FOUR SECESSIVE NEGOTIATIONS AS PREVIOUSLY REPORTED BY EMBASSY. BATISATA ALSO MADE FOLLOWING POINTS:

(A) HE COULD NOT ACCEPT ARGUMENT THAT NEGOTIATION OF NEW AGREEMENT SHOULD BE DEFERRED UNTIL AFTER NEXT LOS CONFERENCE: IN HIS VIEW, IT WAS VERY DOUBTFUL THAT CONFERENCE WOULD PRODUCE RESULTS AND, EVEN IF IT DID, THESE RESULTS WOULD NOT HAVE SIGNIFICANT BEARING ON SHAPE OF NEW BILATERAL AGREEMENT:

(B) GOB WAS OBSERVING WITH CONSIDERABLE INTEREST MOVEMENT IN US CONGRESS IN LINE WITH BRAZILIAN VIEW:

(C) BRAZILIAN NEGOTIATORS WOULD BE AVAILABLE EARLY IN TH YEAR: AS FAR AS BRAZILIAN SIDE WAS CONCERNED, THERE WOULD BE NO PROBLEM. BRAZIL WOULD BE PREPARED TO NEGOTIATE EXPEDITIOUSLY AND IN GOOD FAITH. "BOTH SIDES ARE REASONABLE PEOPLE", AND IT SHOULD NOT BE DIFFICULT TO COMPLETE NEGOTIATIONS FOR NEW AGREEMENT WELL BEFORE OPENING OF MARCH 1 FISHING SEASON.

(D) IF BY SOME CHANCE SCHEDULES SHOULD SLIP AND DIFFFICULTIES DEVELOP, DESPITE BEST EFFORTS ON BOTH SIDES, USG AND GOB COULD JOINTLY CONSIDER WHAT KIND OF INTERIM ARRANGEMENT MIGHT BE APPROPRIATE TO CLOSE TEMPORARY GAP.

3. BATISTA'S LAST POINT PROVIDED COUNSELOR WITHOPENING TO RESTATE CASE FOR TEMPORARY EXTENSION. HE NOTED CENTRL ARGUMENT IN FAVOR OF US PROPOSAL FOR AT LEAST TEMPORARY EXTENSION WAS PRECISELY THAT WE WOULD KEEP OPTIONS OPEN. CONVERSELY, TO LET EXISTING AGREEMENT LAPSE WOULD MEAN THAT US AND BRAZIL WOULD HAVE TO REVERT TO VOLUNTARY COMPLIANCE FOR AT LEAST PART, QUITE POSSIBLY ALL, OF 1975 FISHING SEASON, WITH ATTENDANT RISKS OF UNPLEASANT INCIDENTS. EXISTING IMPLEMENTING LEGISLATION WAS TIED ENTIRELY TO EXISTING AGREEMENT: USG LEGAL POWERS TO ENFORCE US-GOB UNDERSTANDINGS AND ARRANGEMENTS WOULD LAPSE WITH THAT AGREEMENT. THIS LAST POINT -- DESIRABILITY THAT US AND GOB KEEP OPTIONS OPEN -- DID MAKE IMPRESSION AND, AFTER SOME REFLECTION, BATISTA UNDERTOOK TO LIMITED OFFICIAL USE

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EXPLORE QUESTION OF TEMPORARY EXTENSION FURTHER WITHIN GOB ON BASIS OF INFORMAL WRITTEN SUBMISSION BY EMBASSY EXPLAINING WITH SOME PRECISION USG'S LEGAL SITUATION AND POWERS.

4. EMASSY PLANS TO GIVE WRITTEN REPLY DECEMBER 16 USING MATERIAL IN REFTELS, PARTICULARLY PARA 4, REFTEL C. TO STRENGTHEN CASE, (AND DEAL WITH BRAZILIAN CONCERN THAT US STRATEGY WILL BE SIMPLY TO SEEK EXTENSION PRESENT AGREEMENT THROUGH 1975

FISHING SEASON,) IT WOULD BE WELL TO PROVIDE SOME FURTHER ORAL  
ASSURANCES THAT US PREPARED TO NEGOTIATE EARLY NEXT YEAR. COULD  
DEPARTMENT PROVIDE INDICATION WHEN US NEGOTIATORS WOULD BE AVAILABLE  
NEXT YEAR?  
JOHNSON

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## Message Attributes

**Automatic Decaptioning:** X  
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**Current Classification:** UNCLASSIFIED  
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**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** boyleja  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Unique ID:** 00  
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